

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. BLUMENTHAL,)		
	Plaintiff,)	Court No. 07 C 7230
vs.)		
)	Judge Joan B. Gottschall	
MATTHEW H. ANSELMO, and)		
M & M MARKETING, L.L.C.,	Defendants.)	Magistrate Michael T. Mason

Motion for Issuance of an Turnover Order

Michael Blumenthal, respectfully moves this Court to issue a turnover order to Foot Locker, Inc., for the money it is holding pursuant to a third party citation to discover assets it received from Plaintiff regarding the judgment debtors.

Statement of Facts

On January 31, 2008 the Plaintiff obtained a final judgment for 2.2 million dollars on one count in his multi-count Complaint. (*See Ex. A.*) On June 18, 2008 the Plaintiff served a third party citation to discover assets on Foot Locker, Inc., the parent company of Champs and East Bay, two companies Defendant Anselmo had represented Premier Fighter had made sales to and was owed money by. On June 25, 2008, Defendant Anselmo, the sole owner of both M & M Marketing L.L.C. and Premier Fighter L.L.C., signed an agreement disclaiming any interest in *inter alia* the assets of M & M Marketing L.L.C. and Premier Fighter L.L.C.. (*See Ex. B.*) Foot Locker, Inc. has responded that it is holding \$ 269,572.50 for Premier Fighter. (*See Ex. C.*) Despite Anselmo's disclaimer of any interest in Premier Fighter's assets, and Plaintiff's offering Foot Locker proof of the same, Foot Locker insists that this Court enter a turnover order before it transfers the funds owed to Premier Fighter to the Plaintiff.

Argument

There is no dispute regarding the fact that the Plaintiff is entitled to the funds being held by Foot Locker. However, Foot Locker has stated that it will not turnover these funds to Premier

Fighter or Plaintiff until ordered by a court to do so. Therefore, pursuant to 735 ILCS5/2-1402(c)(3), the Plaintiff respectfully requests that this Court issue such an order, requiring *inter alia*, immediate turnover of the funds to the Plaintiff.

Conclusion

Wherefore, Plaintiff respectfully moves this Court for the issuance of an order requiring Foot Locker, Inc. to turn over all of the funds owed to Premier Fighter L.L.C. within one business day after Foot Locker, Inc. receives notice of this Court's turnover order.

Respectfully Submitted.

s/ Michael L. Blumenthal

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